

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEPHEN McCULLOM, <i>et al.</i>,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 3:12-CV-02037
BRAD LIVINGSTON, <i>et al.</i>,	§	
<i>Defendants.</i>	§	

**DEFENDANT UTMB'S AGREED MOTION TO EXTEND
EXPERT DESIGNATION DEADLINES**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, The University of Texas Medical Branch, by and through its attorney of record, the Attorney General of the State of Texas, and files this Agreed Motion To Extend Expert Designation Deadlines.

1. This case involves the death of an inmate at the Texas Department of Criminal Justice's (TDCJ) Hutchins State Jail. Plaintiffs filed suit under 42 U.S.C. §1983, the Americans With Disabilities Act and the Rehabilitation Act.
2. On June 26, 2012, plaintiffs filed their Original Complaint against TDCJ and individual TDCJ officers [Dkt.1].
3. On April 5, 2013, plaintiffs filed their Amended Complaint adding the University of Texas Medical Branch as a defendant [Dkt. 43].
4. On May 29, 2013 plaintiffs filed an unopposed Motion To Extend Expert Designation Deadlines [Dkt. 54], which the court granted [Dkt. 62].

5. On May 30, 2013, UTMB filed its Motion To Dismiss Under FRCP 12(c), which is currently pending [Dkt. 55].
6. The complex nature of the suit requires the retention, designation and testimony of multiple types of experts from all parties. Anticipated experts include medical doctors, pathologists, nurses, engineers and weather experts.
7. Defendant UTMB and the agreed parties request that the expert designations and report requirements for all parties be extended by 60 days.
8. The current deadline for plaintiffs' designation is August 5, and defendants' deadline is September 5, 2013. If this motion is granted, the new deadlines would be for plaintiffs October 5, 2013 and for defendants November 15, 2013.
9. Defendant UTMB does not seek a continuance of the current trial date of February 3, 2014.

WHEREFORE PREMISES CONSIDERED, Defendant UTMB prays that this court grant this Agreed Motion To Extend Expert Designation Deadlines, and to extend all parties deadlines by 60 days.

Respectfully submitted,

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/s/KIM COOGAN
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**ATTORNEYS FOR DEFENDANT
UNIVERSITY OF TEXAS MEDICAL BRANCH**

NOTICE OF ELECTRONIC FILING

I, KIM COOGAN, Assistant Attorney General of Texas, certify that I have electronically submitted for filing **Defendant UTMB's Agreed Motion to Extend Expert Designation Deadlines** to the Court, on July 19, 2013 in the Northern District of Texas, Dallas Division.

/s/ KIM COOGAN
KIM COOGAN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, KIM COOGAN, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant UTMB's Agreed Motion to Extend Expert Designation Deadlines** has been served by placing same in the United States Mail on this the 19th day of July, 2013, addressed to:

Jeff Edwards
The Edwards Law Firm
706 Guadalupe
Austin, Texas 78701

/s/KIM COOGAN
KIM COOGAN
Assistant Attorney General